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VIA ECF

The Honorable Paul G. Gardephe
United States District Court
Southern District of New York
40 Foley Square, Room 2204
New York, NY 10007

Re: Therabody, Inc. v. Tzumi Electronics LLC, et al.
Civil Action No. 1:21-cv-07803-PGG-RWL

Dear Judge Gardephe:

This firm represents defendant Therabody, Inc. ("Therabody") in the above-referenced patent litigation. We write in response to Defendant Tzumi Electronics LLC's ("Tzumi") request for oral argument (Dkt. 88) on its Partial Motion to Dismiss Certain Willfulness Claims From the Second Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6). Therabody does not believe oral argument on this motion to be necessary, as the parties' briefs adequately address the "case law directed to willfulness claims" that Tzumi identifies as the subject of the oral argument.

We thank the Court for its attention to this matter.

Sincerely,

/s/ Marc J. Pensabene

Marc J. Pensabene

MJP

cc: All Counsel of Record